

Amendments to House Bill No. 403
1st Reading Copy

Requested by Representative Michele Reinhart

For the House Local Government Committee

Prepared by Helen Thigpen
February 17, 2011 (1:52pm)

1. Title, page 1, line 7.

Strike: "CONSERVATION EASEMENT"

Insert: "COVENANT"

Following: "AMENDING" on line 7

Strike: "SECTION"

Insert: "SECTIONS 70-17-203 AND"

2. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 70-17-203, MCA, is amended to read:

"70-17-203. **Covenants that run with land.** (1) Except as provided in 70-1-522, every covenant contained in a grant of an estate in real property that is made for the direct benefit of the property or some part of the property then in existence runs with the land.

(2) Subsection (1) includes:

(a) covenants of warranty, for quiet enjoyment, or for further assurance on the part of the grantor and covenants for the payment of rent or of taxes or assessments upon the land on the part of a grantee; and

(b) conservation easements pursuant to 76-6-209- or

(c) a dedication of open space as provided in 76-3-509.

(3) A covenant for the addition of some new thing to real property or for the direct benefit of some part of the property not then in existence or annexed to the property, when contained in a grant of an estate in the property and made by the covenantor expressly for the covenantor's assigns or to the assigns of the covenantee, runs with the land so far as the assigns mentioned are concerned."

{ Internal References to 70-17-203:

x76-6-209 x76-7-210 }"

Renumber: subsequent sections

3. Page 1, line 22 through line 23.

Following: "irrevocable" on line 22

Strike: "easement,"

Following: "covenant" on line 22

Strike: ", deed restriction, or other servitude or instrument"

4. Page 1, line 24.

Following: "parcels" on line 24

Insert: ", as provided in Title 70, chapter 17, part 2"

- END -